

3738

HDP/SB/21 based on PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	10/066,996
	<b>Filing Date</b>	February 4, 2003
	<b>First Named Inventor</b>	Hershberger, et al.
	<b>Group Art Unit</b>	3738
	<b>Examiner Name</b>	Alvin J. Stewart
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b> 5490-000185

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) <b>Return postcard</b>
<b>Remarks</b>  		<b>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.</b>

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Richard W. Warner	Reg. No.	38,043
Signature					
Date	May 20, 2003				

## CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

Typed or printed name	Richard W. Warner		
Signature		Date	May 20, 2003



#4/88  
6-5-8  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/066,996  
Filing Date: February 4, 2002  
Applicant: Hershberger, et al.  
Group Art Unit: 3738  
Examiner: Alvin J. Stewart  
Title: METHOD AND APPARATUS FOR PROVIDING A  
SHORT-STEMMED HIP PROSTHESIS  
Attorney Docket: 5490-000185

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Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Sir:

In response to the Restriction Requirement dated April 23, 2003, for which the time period to respond extends to May 23, 2003, Applicants elect the claims of Group I with traverse (i.e., Claims 1-30).

The Examiner is requested to reconsider the Restriction Requirement since it appears that the subject matter defined within all the groups of claims are similar. Consequently, the field of search for each group should be essentially coextensive. Thus, the burden on the Examiner will not be significant to maintain each group of claims in this application.

U.S. Serial No.10/066,996  
Attorney Docket No. 5490-000185


Should the Examiner have any further questions regarding the election, the Examiner is courteously requested to contact the undersigned at the Examiner's earliest convenience.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.  
Attorney for Applicants

Dated: May 20, 2003

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